

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

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FRANCISCO JAVIER MERCADO-ZAPATA §  
v. § 2:11-CV-0283  
UNITED STATES OF AMERICA §

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DENYING MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE**

Came for consideration the motion to vacate, set aside, or correct sentence by a person in federal custody filed by defendant. On August 9, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be denied. No objections to the Report and Recommendation have been filed.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by defendant is, in all things, DENIED.

IT IS SO ORDERED.

ENTERED this 5<sup>th</sup> day of September 2012.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE